

1927

c 84 Long Point Park Act

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CHAPTER 84.

The Long Point Park Act.

1.—(1) The Lieutenant-Governor in Council may appoint ^{Board of Commissioners.} a board of commissioners composed of three persons, which board shall be a body corporate by the name of "The Long Point Park Commission."

(2) The members of the Board shall hold office during pleas- ^{Tenure of office.} ure of the Lieutenant-Governor in Council.

(3) The Commissioners shall receive such compensation as ^{Compensation.} shall be fixed by order of the Lieutenant-Governor in Council.

(4) The Commissioners shall, at the first meeting of the ^{Chairman and secretary.} Commission in each year, elect one of their members as chairman, and shall appoint a secretary, who, for the purposes of this Act, shall possess all the rights and powers and perform all the duties that pertain respectively to the office of reeve and clerk and treasurer of a village, and with such other rights, powers and duties as from time to time may be prescribed by said Board of Commissioners. 1921, c. 35, s. 2.

2. The tracts of land, marsh land, and land covered by ^{Park vested in Commission.} water hereinafter mentioned, that is to say: All that parcel or tract of land and marsh land in the Township of South Walsingham bounded on the south by the waters of Lake Erie, on the north by the waters of Inner Long Point Bay, on the east by the lands now owned by the Long Point Company, and on the west by the lands now owned by the Toronto Big Creek Shooting Company, containing an area of four hundred and twenty acres, more or less, together with all unpatented portions of the marsh and other lands lying in front of lots numbers 14 to 24, both inclusive, and in front of the road allowance between lots numbers 18 and 19, in the broken front concession of the Township of South Walsingham, together with the land covered by the waters of Inner Long Point Bay lying south of a line drawn east astronomically from the centre of the mouth of the present outlet of Big Creek, formerly known as the Port Rowan ship canal, to the point of intersection of said line with a line drawn north astronomically from the most westerly point of block "C" of the lands of the Long Point Company, including any islands lying within that area, is hereby vested and set apart as a park, forest reservation and health resort for the benefit, advantage, and enjoyment of the people of Ontario, and shall be known as "The Long Point Park." 1921, c. 35, s. 3.

Board to enquire into present leases and contracts.

3. It shall be the duty of the Commission, and it shall have power, to inquire into and ascertain the facts concerning all leases, and all other contracts or agreements, to, or with persons, in reference to any of the lands in the Long Point Park, the names of the persons holding the same, the amounts of rents reserved or other payments provided for in the same, the terms and conditions under which such agreements or leases are made, and also other particulars in connection with the same. 1921, c. 35, s. 4.

Collection of arrears of rent.

4. The Commission shall have power to demand, collect and receive from any person in occupation or use of the lands in the Long Point Park under any present or future lease, contract or agreement, any money due or unpaid, for rent, or otherwise in respect thereof. 1921, c. 35, s. 5.

Powers of Commission.

5. Subject to any direction of the Lieutenant-Governor in Council, the Commission shall have power—

- (a) to lease, purchase, or otherwise acquire, and to construct and operate boats, vessels, motor cars and other means of transportation to be used in connection with the Long Point Park;
- (b) to pull down all houses or other erections, or buildings on said lands, or such of them, or such part of them, as the Commission may think proper to be pulled down, and to sell, or otherwise dispose of, or make use of, the material of the houses and other erections and buildings thus taken down and removed, or otherwise disposed of, or made use of;
- (c) to erect wharves, houses, and other erections, buildings and structures on said lands, and the same and all other wharves, houses and other erections, buildings and structures, with their appurtenances, which now are or hereafter may be upon said lands, to lease or sublet to applicants therefor;
- (d) to lay out, build, improve, develop and enclose the Park in such manner as it thinks fit;
- (e) to demand, collect and receive tolls, rents, taxes, or other charges or money for the use of lands, buildings, erections, structures, appliances, vessels, means of transportation, or works made, built or used, in, or in connection with, the operation of the Long Point Park, as well as for services rendered or to be rendered for the convenience or accommodation of visitors, and to expend so much of the money received therefrom as may in the opinion of the Commission be necessary or expedient in beautifying or otherwise improving the same

as a park and place of public resort, and for all other purposes authorized by this Act, and, whenever required by an order of the Lieutenant-Governor in Council so to do, to remit to the Treasurer of Ontario any surplus remaining in the hands of said Commission. 1921, c. 35, s. 6.

6. The Commission may appoint one or more constables, Constables. who shall have the same powers and perform the same duties in the Long Point Park as the constables appointed by the council of a village. 1921, c. 35, s. 7.

7.—(1) The Commission shall have all the powers con- Powers offerred by *The Municipal Act* on the board of commissioners Commission. of police in a city having a population of not less than 100,000. Rev. Stat. c. 233.

(2) The Commission may make regulations and pass by- Regulationslaws for fixing the sums to be paid for licenses required under and by-laws. the by-laws passed under subsection 1.

(3) After the passing of any such by-law no general by-law Effect of of the Township of South Walsingham for any of the pur- by-laws ofposes provided by such by-law shall apply. 1921, c. 35, s. 8. Commission.

8. The Commission may also make regulations and pass Protectionby-laws for protection from fire, and for providing such fire from fire. appliances as it may deem necessary for the protection of life and property within the limits of the Long Point Park. 1921, c. 35, s. 9.

9. The Commission may also make regulations and pass Sidewalks,by-laws for letting contracts, or employing labour, or pur- roads,chasing material for making roads, buildings, sidewalks and culverts,culverts, putting in drains, planting trees, and otherwise im- drains, etc.proving and beautifying the Long Point Park as a park and place of public resort, and doing all things necessary for such purposes, and the Commission may pass by-laws for entering into, and may enter into, contracts for the supply of water, light or heat by any person or company to the Long Point Park or the residents therein, and doing all things necessary for such purposes within the limits of the Long Point Park. 1921, c. 35, s. 10.

10. The Commission may also make such other regulations Otherand pass such by-laws for the proper government of the Long regulations. Point Park as may be approved by the Lieutenant-Governor Park to be in Council, and, subject to such regulations and by-laws, said open to Park shall be open to the public. 1921, c. 35, s. 11. public.

11. The provisions of *The Public Utilities Act*, except Applicationwhere inconsistent with the provisions of this Act, shall apply of to the Commission. 1921, c. 35, s. 12. Rev. Stat. c. 249.

Authentica-
tion of
by-laws.

12. By-laws passed by the Commission shall be authenticated by the signature of the chairman and secretary and the seal of the corporation, and a copy of any such by-law so authenticated shall have the same force and effect as a copy of a municipal by-law duly certified in the manner provided by *The Municipal Act*. 1921, c. 35, s. 13.

Rev. Stat.
c. 233.

Penalties
for viola-
tion of
by-laws.

13. The Commission may in any by-law provide that anyone contravening the by-laws shall incur a penalty not exceeding \$100 or be liable to imprisonment for a term not exceeding sixty days, and such penalty may be enforced by any justice of the peace having jurisdiction within the County of Norfolk. 1921, c. 35, s. 14 (1).

Application
of license
fees and
penalties.

14. All sums collected for license fees or for penalties for offences against any by-law passed by the Commission shall be paid over to the Commission. 1921, c. 35, s. 15.

Repair and
maintenance
of
highways.

15. It shall be the duty of the Commission to keep the highways in the Long Point Park in proper repair. 1921, c. 35, s. 16.

Power to
borrow to
amount of
\$25,000.

16.—(1) The Commission may raise by loan the sum of \$25,000 for the purpose of constructing, building, leasing, purchasing, improving, extending, holding, maintaining, managing and conducting waterworks and all buildings, material, machinery and appurtenances thereto belonging, and other permanent works for a waterworks system of the Commission, and for enlarging and improving the Long Point Park, and for all other purposes and objects intended to be secured by this Act.

By-laws for
borrowing.

(2) The Commission may pass by-laws for contracting debts for any of such purposes by borrowing money, and for issuing debentures therefor, and it shall not be necessary to levy any special rate therefor.

Term
of debt.

(3) The whole debt and the debentures to be issued therefor shall be made payable in thirty years at furthest from the time or times when the debentures are issued.

Provision
for
payment.

(4) The amount falling due for principal and interest in each year on account of such debentures shall be payable out of the general revenues of the Commission.

Security of
debenture
holders.

(5) The holder of every debenture or other obligation issued under the authority of this Act shall have a preferential charge or lien on the revenues of the Commission, and the Commission shall pay such debts in priority to all other debts. 1921, c. 35, s. 17.

17. No by-law or regulation, and no tariff of tolls, rents or other charges or payment to the Commission for the use of works, vessels, or of services, shall be acted upon or effective until approved of by the Lieutenant-Governor in Council. 1921, c. 35, s. 18. Approval of by-laws, etc.

18. The Commission may provide for the assessment of all lands situate within the Long Point Park, and, as to said assessment, and for the collection of all moneys due from the owners or occupants of such land, shall perform and possess all the duties and powers provided for by *The Assessment Act* and *The Voters' Lists Act* in the case of clerks, assessors and collectors in townships; and may expend money so collected for the purposes hereinbefore set forth, and for such other purposes as may from time to time be approved by the Lieutenant-Governor in Council. 1921, c. 35, s. 19. Assessment and taxation. Rev. Stat. cc. 238, 7.

19. The Commission shall have power to employ such officers, workmen and other persons as may be deemed necessary for the purposes of this Act, the salaries, wages or other compensation of such officers, workmen and other persons shall be payable out of the funds of the Commission. 1921, c. 35, s. 20. Employment of officers, workmen, etc.

20.—(1) The Commission shall cause books to be provided and true and accurate accounts to be entered therein of all sums of money received and paid out and of the several purposes for which the same were received and paid out; and such books shall be at all times open to the inspection of the Treasurer of Ontario, and of any person appointed by him or by the Lieutenant-Governor in Council, or by a majority of the ratepayers in the Long Point Park, for such purposes, and any such person may take copies or extracts from such books. Books and accounts.

(2) Sections 10, 30 and 33 of *The Audit Act* shall apply to the accounts of the Commissioners in respect of receipts and expenditures. 1921, c. 35, s. 21. Application of Rev. Stat. c. 25.

21. On or before the 1st day of December in each year the Commission shall report to the Lieutenant-Governor in Council the receipts and expenditures of the year and such other matters as may appear to it to be of public interest in relation to the government of the Long Point Park, or to anything arising out of this Act and shall in all cases supply to the Lieutenant-Governor in Council such information relating thereto as he may direct. 1921, c. 35, s. 22. Annual report.

22. Without the authority of the Lieutenant-Governor in Council no action shall be brought against the Commissioners personally for anything done or omitted to be done under this Act. 1921, c. 35, s. 23. Actions against Commissioners.

Separation
from
South Wal-
singham.

23. For municipal or school purposes the Long Point Park shall be deemed to be separated from and shall not form part of the Township of South Walsingham or of the County of Norfolk, and shall cease to be subject to the jurisdiction thereof except for judicial purposes. 1921, c. 35, s. 24.

Municipali-
ties relieved
as to
liability for
non-repair
of
highways.

24. No action shall be maintainable against the corporation of the County of Norfolk or the corporation of the Township of South Walsingham by reason of the non-repair of the highways, streets, sidewalks or bridges in the Long Point Park, or by reason of any misfeasance or nonfeasance in relation to them. 1921, c. 35, s. 25.

Elections to
Legislative
Assembly.

Voters'
lists.

Rev. Stat.
c. 7.

25. For purposes of election to the Legislative Assembly the Long Point Park shall be and remain a portion of the Township of South Walsingham, and all persons in the Long Point Park possessing the necessary qualifications shall be entitled to be placed on the voters' lists of that township; and for such purposes the Commission shall, annually, before the 15th day of July, prepare and furnish to the clerk of said township a list of persons so qualified and, for the information of the clerk of said township, shall furnish all particulars required in preparing the lists under *The Voters' Lists Act*. 1921, c. 35, s. 26.

Judicial
purposes.

26. For all judicial purposes the Long Point Park shall be and remain a portion of the County of Norfolk. 1921, c. 35, s. 27.

Regulations
as to
game, etc.

27. The Commission may make regulations as to the shooting, hunting, taking, or killing in the Long Point Park, and on the waters of Lake Erie adjacent to the said Park on the southerly side thereof extending into said lake a distance of 10 chains from shore, and within all that portion of Inner Long Point Bay lying to the west of block "C" of the lands of the Long Point Company, and of a line drawn northerly from the most westerly point of said block "C" to the point in which the centre line of the town line road allowance between South Walsingham and Charlotteville Townships intersects the northerly shore of the said Bay, of any bird or animal protected by the provisions of *The Provincial Parks Act*. 1921, c. 35, s. 28.

Rev. Stat.
c. 82.

Rights of
certain
clubs
preserved.

28. Nothing in this Act, contained shall be deemed to confer upon the said Commission any power to interfere with the right of the owners of property of The Long Point Company or the Toronto Big Creek Shooting Club, Limited. 1921, c. 35, s. 29.
